

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re CASSAVA SCIENCES, INC. §
SECURITIES LITIGATION § Master File No. 1:21-cv-00751-DAE

§ CLASS ACTION

This Document Relates To:

ALL ACTIONS

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**JOINT STIPULATION PURSUANT TO THE DECEMBER 19, 2024 HEARING
BEFORE MAGISTRATE JUDGE BEMPORAD**

On December 19, 2024, the Special Discovery Master, Magistrate Judge Henry J. Bemporad, requested the Parties¹ file a stipulation that reflected the agreements reached during the December 19, 2024 hearing by January 3, 2025. *See ECF 283.*

Whereas, on December 24, 2024, the Cassava Defendants produced to Plaintiffs and counsel for defendants Barbier and Burns the 16 documents identified in the October 22, 2024 Joint Advisory (ECF 233) that Cassava received from the United States Securities and Exchange Commission (“SEC”) during the SEC investigation.

Accordingly, the Parties respectfully stipulate as follows:

1. The Cassava Defendants will produce to Plaintiffs and counsel for defendants Barbier and Burns the deposition transcripts of Benjamin Thornton, Michael Marsman, and Eric Schoen within two business days of receipt from the SEC.

2. The Defendants will provide their communications with the SEC concerning obtaining the deposition transcripts to Plaintiffs within two business days of the communication.

3. On or before January 10, 2025, counsel for defendants Burns and Barbier will either: (i) request the deposition transcripts of Dr. Burns and Mr. Barbier from the SEC; or (ii) inform Magistrate Judge Bemporad that counsel will not request such transcripts and provide the basis for the refusal to request the deposition transcripts.

4. On or before January 17, 2025, the Cassava Defendants will provide descriptions for the third parties on Cassava’s privilege log, including each third party’s role in relation to the attorney-client relationship with Cassava. By January 24, 2025, Plaintiffs will then identify which third parties they are challenging as having caused privilege to be waived. On or before January 31,

¹ The “Parties” are lead plaintiff Mohammad Bozorgi, additional plaintiffs Ken Calderone and Manohar Rao (together, “Plaintiffs”), and Cassava Sciences, Inc. (“Cassava” or the “Company”) and Eric J. Schoen (the “Cassava Defendants”), and Remi Barbier and Lindsay Burns (together with the Cassava Defendants, “Defendants”).

2025, the Cassava Defendants will provide to Plaintiffs the retention agreements or other documents that describe the scope of the services each third party was to provide to Cassava (*e.g.*, invoices or engagement letters) for the challenged third parties. Additionally, on January 31, 2025, the Cassava Defendants will submit, *in camera*, to Magistrate Judge Bemporad: (i) a sample of the purportedly privileged documents that contain the challenged third parties; (ii) all purportedly privileged communications between Dr. Burns and Dr. Wang where the common interest privilege is claimed and no attorney is present; and (iii) documents evidencing the existence and scope of a common interest agreement between Dr. Wang and the Defendants.² No briefing or argument on the common interest privilege will be submitted by the Parties unless requested by Magistrate Judge Bemporad. Plaintiffs dispute that the Cassava Defendants may select the sample documents for the third party disputes identified in category (i), above, without input from Plaintiffs. Additionally, the Parties have not agreed on the appropriate number of sample documents to be submitted for each disputed third party pursuant to category (i), above. However, the Parties agree to follow Magistrate Judge Bemporad's guidance regarding the sample size and whether Plaintiffs and the Cassava Defendants may each select half of the sample.

5. The Parties will file a Joint Advisory with an update on outstanding discovery disputes on February 18, 2025. *See* ECF 283.

DATED: January 3, 2025

Respectfully submitted,

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² The common interest privilege documents will also be provided to counsel for defendants Burns and Barbier.

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DATED: January 3, 2025

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